

DOD: 7-9-10	LYNETTE LUCILLE DUSTON and WARREN LESLIE DAVIS, Daughter and Son of the Decedent, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	On 10-18-10, Decedent's Will dated 12-7-04 was admitted to probate and MARY M. DAVIS , Surviving Spouse, was appointed Executor with Full IAEA without bond on 10-18-10. Letters issued on 10-19-10.	Note: This matter 1A was filed 11-6-12, but continued due to the demurrer. The demurrer was overruled on 1-22-13 and this matter was continued to this date.
Cont. from 012213	Petitioners state more than 18 months have elapsed since Letters were issued and Mary has neither filed an account nor report of status of administration. Petitioners object to the continuation of Mary as the personal representative and seek to remove her as executor for the following reasons:	Note: Page 1B is Mary M. Davis' First Report of Status of Administration of Estate and Request for Extension, continued from 1-22-13.
<input type="checkbox"/> Aff.Sub.Wit.		Note: Page 1C is status hearing set per Minute Order 1-22-13.
<input checked="" type="checkbox"/> Verified		Minute Order 1-22-13: The Court overrules both the general demurrer and the demurrer for uncertainty. The Court is informed that arbitration is scheduled for 2/25/13. Mr. Farley informs the Court that he will be filing a partial inventory and appraisal. The Court orders the executor not to dispose of any assets in her control without a noticed hearing and approval by the Court. Set on 3/8/13 @ 9:00 a.m. Dept. 303 for: Status Hearing
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	<ul style="list-style-type: none">• §8502(c). Mary has wrongfully neglected the estate, or has long neglected to perform any act as personal representative. On 3-17-11, a substitution of attorney was filed in the proceeding. From that date until the original petition for removal was filed on 6-26-12, there had been no court action taken in this matter. Since then, the only action taken was to file another substitution of attorney and oppose the petition for removal.• §8804(b). Mary has failed to file an inventory and appraisal within the prescribed time.• §12200. Mary has failed to render a report of the status of the administration.• §8502(a). Mary has wasted, embezzled, mismanaged, and committed a fraud on the estate. Mary has, <i>inter alia</i>, admitted during a deposition that she had liquidated assets of the Decedent's estate which were specific bequests to one of the Petitioners to pay for her attorneys' fees and costs in her two civil actions against Petitioners.• §8502(b). Mary is incapable of properly executing the duties of her office, or is otherwise not qualified for appointment as personal representative. Mary is 86 years old and has made claims for elder abuse in a lawsuit she filed against one of the Petitioners and has made representations that she is susceptible to undue influence.	1. Need update re: 2-25-13 arbitration (referenced in Minute Order).
	SEE ADDITIONAL PAGES	Reviewed by: skc
		Reviewed on: 1-7-13
		Updates:
		Recommendation:
		File 1A - Davis

Page 2

Petitioners cite authority in addition to the statutory references above regarding the Court's power to remove a personal representative for other cause, for example, adverse interest or hostile acts, and state removal of Mary as executor is necessary to protect the Decedent's estate and its heirs.

Petitioners state it is also proper for this Court to order Mary to account which shall include both a financial statement and report of administration of the estate, and specifically show the condition of the estate. Furthermore, it is proper for the Court to reduce compensation of Mary and her attorneys by an appropriate amount.

Petitioners state they are entitled to appointment as personal representatives of the estate because they were nominated as successor co-executors in the event Mary shall for any reason fail to qualify or cease to act as executor.

It is hereby requested that this Court appoint Petitioners as successor co-executors to serve without bond and with full IAEA.

Petitioners pray as follows:

1. That citation issue to Mary M. Davis to show cause why she should not be removed as personal representative;
2. The Court forthwith suspend the powers of Mary M. Davis as personal representative and revoke the Letters issued 10-18-10;
3. For an order to appoint Petitioners as personal representatives with Full IAEA without bond;
4. For an order that Mary M. Davis file an account of the administration in accordance with Probate Code § 10900 and specify a reasonable time within which the account must be filed, which Petitioners suggest should be no later than 60 days from the date of her removal;
5. For an order that Mary M. Davis surrender all property in her possession belonging to the estate of the Decedent to the duly appointed and qualified successor co-executors;
6. For attorney's fees and costs of suit incurred herein; and
7. For such other orders and further relief as the Court deems just and proper.

Examiner's Note (Update):

Page 1B is Mary M. Davis' First Report of Status of Administration of Estate and Request for Extension, continued from 1-22-13.

Additionally, an updated Second Report of Status of Administration and Request for Extension was filed 2-28-13, and two partial Inventory and Appraisals have been filed on 1-24-13 and 2-13-13.

Petitioners filed their Objection on 11-27-12.

See Page 1B.

First Report of Status of Administration of Estate and Request for Extension

DOD: 7-9-10 Cont. from 012213 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td style="text-align: center;">w</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td>✓</td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCC/JEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp		✓	Objections			Video Receipt			CI Report			9202			Order			Aff. Posting			Status Rpt			UCC/JEA			Citation			FTB Notice		<p>MARY M. DAVIS, Executor with full IAEA without bond, is Petitioner and requests an additional six (6) months to close estate administration pursuant to Probate Code §12200, et seq.</p> <p>Petitioner states: For years prior to and continuing after his death, the decedent and Petitioner were represented by Attorney Robert Gin of Griswold, LaSalle, Cobb, Dowd & Gin. As a result of potential conflicts of interest, on or about 3-17-11, Attorney Gin was replaced by Attorney William J. Keeler, and then Attorney Kenton J. Klasson, of then DAK.</p> <p>Attorney Michael L. Farley replaced Attorney Klassen in the elder abuse action on or about 5-23-12, in the partnership action on or about 6-25-12, and in the instant probate proceeding on or about 8-16-12 (see below).</p> <p>Related actions/petitions: Petitioner states prior to and escalating immediately upon the decedent's death, conflicts arose between Mary and two of her three children re ownership interests in two of the significant assets in which the decedent had a one-half community property interest, to wit: the two parcels of real property in Cayucos, CA, and the family partnership known as Whitney Oaks Dairy.</p> <p>The conflicts culminated in the filing of two separate lawsuits:</p> <ul style="list-style-type: none"> • The elder abuse action: 11CECG00872 <i>Mary M. Davis v. Lynette Lucille Duston and Douglas Jon Duston</i> (elder abuse, fraud, and quiet title, et al) • The partnership action 11CECG03047 <i>Mary M. Davis v. Warren Leslie Davis</i> (to dissolve and distribute the assets of the family partnership) <p>The elder abuse action was settled and dismissed on 7-28-12. The partnership action is currently pending and scheduled for an arbitration before Robert Hillison on 2-25-13. This probate proceeding is still pending.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-22-13: The Court overrules both the general demurrer and the demurrer for uncertainty. The Court is informed that arbitration is scheduled for 2/25/13. Mr. Farley informs the Court that he will be filing a partial inventory and appraisal. The Court orders the executor not to dispose of any assets in her control without a noticed hearing and approval by the Court. Set on 3/8/13 for: Status Hearing</p> <p>2. Need update re: 2-25-13 arbitration referenced in Minute Order.</p> <p>3. Examiner notes that the Decedent's will devises tangible personal property to his spouse, Mary, and the residue to two testamentary trusts, <u>which do not exist until the estate is closed and distributes to them.</u></p> <p>Parties should note that when the estate distributes to the testamentary trusts, any further dispute regarding the trusts will need to be filed under appropriate authority in a new case separate from this estate. See Local Rule 7.1.2 and applicable Probate Code re: trusts.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 3-5-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B - Davis</p>
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Petitioner states: One of Mary's children, Warren Leslie Davis, has filed a petition to remove her as executor of the decedent's estate.

Status report:

- Decedent died testate a resident of the County of Tulare, CA. Petitioner, as the anticipated trustee of the testamentary trusts to be established upon distribution of the decedent's estate, is the sole beneficiary of the estate. On 10-18-10, the decedent's will was admitted for probate and Petitioner was appointed Executor with full IAEA, and letters were issued on 10-19-10.
- No creditor's claims have been filed.
- Inventory and Appraisal cannot be filed until both the elder abuse action and partnership action are concluded, as the primary issue in both centers around disputes regarding ownership interests. A partial I&A was submitted to the probate referee in Jan. 2011; however, it was not filed. Counsel is unaware of the reason why. Further inquiries will be made.
- Under IAEA, Mary signed a Transfer and Assumption Agreement involving John Deere Construction and Forestry Company for a skiploader and by such agreement transferred a contracted dated 12-12-07 to Whitney Oaks Dairy, the family partnership. Notice of Proposed Action was given to all persons whose interest was or may be affected by the transfer and no objections were served; therefore, the contract was transferred on or after 1-25-11.
- The estate is not in a condition to be closed because a final I&A and other related documents (i.e., tax returns) cannot be completed until the partnership action has concluded and the time within which to file creditor's claims may not have expired.
- Mary estimates that the additional time needed to close this estate administration will not exceed six (6) months.

Mary prays for an order granting a six (6) month extension to close estate administration and such further relief as the Court deems appropriate.

Update: Second Report of Status of Administration and Request for Extension filed 2-28-13 states two partial inventory and appraisals have now been filed. In addition, on 2-11-13, the civil action related to the dissolution of Whitney Oaks Dairy, the partnership in which the above-entitled estate has an interest, was submitted to mediation, which culminated in a settlement. As a result of the settlement, the Final I&A reporting the estate's interest in the partnership and its assets may now be prepared and submitted to the probate referee. Counsel for Executor is currently in the process of preparing the Final I&A and expects to have it submitted to the Probate Referee within two weeks.

The estate is not yet in a condition to be closed. The executor prays for a six month extension from the date of this hearing.

SEE ADDITIONAL PAGES

Objection filed 11-27-12 by Lynette Lucille Duston and Warren Leslie Davis states the status report contains several errors and misstatements that must be corrected prior to the Court's consideration of the status report. Also, Mary has no good reason for the delay in the filing of at least of a partial account or earlier status report. Therefore, request for extension should not be granted.

Objectors state Mary has liquidated assets of the Estate and entered into option contracts and lease contracts on behalf of the Estate without giving notice of proposed action. If the extension to administer the estate is granted, and Mary continues in her position of administrator, further harm to the estate will occur. Objectors provide the following information:

- Objectors believe that since the death of the decedent, Mary would have been required to file a tax return on behalf of the estate. Prior to filing this status report, more than 18 months had elapsed with no account, partial or otherwise.
- Objectors are devisees under the decedent's will and under the testamentary trusts as created by the will.
- On 8-29-11, Objectors requested through their attorney an accounting of the testamentary trusts that need to be funded by the estate.
- On 3-2-12, Objectors requested through their attorney an accounting of the estate.
- Mary refused to respond to these requests.
- On 10-10-12, Objectors requested through their attorney an accounting of the testamentary trusts that need to be funded by the estate.
- On 10-19-12, through her counsel, Mary responded that no information would be forthcoming as the trust has not yet been funded.
- Mary claims her delay in taking action to administer the estate has been due to ongoing litigation in other related matters. However, this is not an excuse for the delay. Mary was aware of the claims prior to the decedent's death, but did not file the complaints until afterward.
- The Duston dispute over real property in San Luis Obispo was settled on 7-28-12. The Davis case for dissolution of Whitney Oaks Dairy has been set for Arbitration on 2-25-13.
- The ongoing actions have not prevented Mary from depleting assets of the estate and entering into contracts on behalf of the estate that materially affect the estate without giving proper notice of proposed action.
- Due to Mary's complete failure to respond to reasonable requests for accounting and failure to take any action to administer the estate, Objectors have filed a petition to remove her as Executor (Page 1A).
- § 12200 provides the time frame for final distribution of estates. More than two years have elapsed since Letters were issued. The only reason Mary is now taking action is due to the pending action to remove her. Mary has failed to take action despite the law and despite numerous requests. Mary has utterly failed in her duties as Executor without any apparent reason, yet is now requesting the Court grant an extension.

SEE ADDITIONAL PAGES

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Specific objections are as follows:

- Mary states the beneficiary is "Mary M. Davis, as the [anticipated] trustee of the testamentary trusts to be established upon the distribution of the decedent's estate." This does not set forth the full picture of the intended beneficiaries of the estate. While it is true that the testamentary trusts are the devisees, Mary is the beneficiary of the Marital Trust, and the lifetime income beneficiary of the Bypass Trust, with rights of invasion. However, Objectors are the remainder beneficiaries of the principal of the Bypass Trust.
- §8800 Inventory must be filed within four months of issuance of Letters. Once the time period expires the burden to show that additional time is reasonable falls on the executor. Citations noted. Mary is claiming she could not file an inventory due to the other lawsuits, but the lawsuits were not filed until after the expiration of the four month period. Furthermore, if Mary needed more time, the proper procedure was to request this time from the Court.
- Mary alleges that the only action she has taken without court approval and by notice of proposed action has been to sign a "Transfer and Assumption Agreement" involving a skiploader. This is simply untrue. A personal representative must give notice when: entering into a contract that by its provisions is not to be fully performed within two years; entering into a lease of real property for a term in excess of one year; continuing in the operation of an unincorporated business or venture the decedent was engaged in at the time of death. §§ 10532, 10537, 10534. Mary has taken the following actions without notice:
 - On or about 2-1-12, Mary as Executor entered into agreement to grant an option to purchase a premises that is part of the decedent's estate, wherein the option can be exercised within the next seven years.
 - On or about 2-1-12, Mary as Executor entered an agreement to lease a premises that is part of the decedent's estate for a term of more than three years (seven including the option periods).
 - Mary did continue operation of Whitney Oaks Dairy, a partnership of which the decedent was actively engaged in at the time of his death, for a period of greater than six months after the decedent's death.
- Objectors believe Mary has taken other actions for which notice was required without giving notice, but do not have specific information at this time due to Mary's concealment of her acts and refusal to provide information. While not required to give notice of the liquidation, Mary has liquidated items that are specific devises of the estate for the purpose of paying her legal fees. Per her own admission under oath in 11CECG00872, Mary stated she sold all of the Bank of America stock. The decedent's will sets forth that under the Bypass Trust, the decedent specifically gifted that stock to Lynette Duston.

SEE ADDITIONAL PAGES

Objectors pray as follows:

- A. That this Court not grant any extension of time to close the estate;
- B. That this Court take it upon its own motion to order an account of the estate pursuant to § 10950(a);
- C. That the Court sanction Mary M. Davis and her attorneys pursuant to § 12205 for the unreasonable delay and failure to file a status report or close the estate within the required time period;
- D. The Court forthwith suspend the powers of Mary M. Davis as personal representative pending investigation of the charges made against Mary M. Davis;
- E. That citation issue to Mary M. Davis to show cause why she should not be removed as personal representative of the estate, and as trustee of the testamentary trusts created by the will;
- F. For an order to remove Mary M. Davis as personal representative and revoke Letters;
- G. For an order to appoint Objectors as personal representatives without bond;
- H. For an order that Mary M. Davis file an account of the administration of the estate pursuant to § 10900 within 60 days;
- I. For an order that Mary M. Davis suspend all property in her possession belonging to the estate to the successor co-executors;
- J. For attorney's fees and costs of suit incurred herein; and
- K. For such other and further relief as the Court deems just and proper.

Executor's Reply to Objection filed 12-3-12 states: One of Objectors' complaints was the absence of a status report. Objectors now feign desire to correct errors and misstatements. In doing so, Objectors assert matters to which Mary must now clarify as follows:

Objectors' role should be properly defined. Contrary to the proclamation that Objectors are devisees, they are actually contingent beneficiaries, or secondary beneficiaries who were entitled to receive under the will *only if Mary had predeceased the decedent*. Since Mary did not predecease the decedent, Mary, as anticipated trustee of the testamentary trusts, is the sole beneficiary of the estate.

Under the testamentary trusts to be established, Objectors become remainder beneficiaries only upon Mary's death.

In this instant probate, Objectors are "interested persons" as defined in § 48(a). To describe their interests otherwise is not only disingenuous but so asserted for the sole purpose of attempting to justify their efforts to remove Mary as Executor.

Mary respectfully contends that in addition to statutory restrictions, the status report and the Objectors' vague, unproven and conclusory objections and accusations against Mary do not provide sufficient grounds upon which to grant their request for removal, etc., and should be denied.

SEE ADDITIONAL PAGES

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Executor states that at all times during the administration of the decedent's estate, she was represented first by Attorney Robert Gin of Griswold, LaSalle, Cobb, Dowd & Gin, and then by Attorney Kenton J. Klassen of [then] Dowling Aaron & Keeler. It is clear from the record to date that Mary's prior attorneys focused their legal services on the issues and litigations between Mary and the Objectors. Mary's present attorney substituted in as counsel on 8-16-12 in the midst of various negotiations, proceedings and other activities in the two lawsuits that were pending between Mary and Objectors. In the just over three months since new counsel was retained for the probate matter, the primary focus has been directed to defending Mary against Objectors' unrelenting and baseless efforts to remove her. New counsel has researched, prepared and filed demurrers to each of the three petitions to remove the executor, and filed this status report and reply to objections. Accordingly, it is difficult to understand how Objectors now assert that the administration delays caused by litigation are unreasonable, when such delays have been perpetuated by their own activities.

Mary's present attorney is at a disadvantage as relates to the method by which the estate was administered while represented by other counsel. Inquiries have been made regarding activities during that time, and additional time is necessary to obtain information.

For these reasons and under the circumstances of this estate, Mary respectfully reiterates that the estate is not in a condition to be closed and requests an extension of time to administer the estate of six months.

First Amended Petition to Determine Succession to Real Property

DOD: 1-5-92		NICHELLE LAWS , Granddaughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 2-5-13.</u> <u>The following issue remains:</u> 1. Petitioner does not have authority to petition on behalf of her parent Willie Earl in this summary proceeding without appointment as personal representative. Petitioner may wish to consider a special administration of Willie Earl's estate (which would be a separate case) for the sole purpose of signing an amended petition in this case as personal representative to pass the property to Willie Earl. Then, Petitioner, as the proper successor in interest to Willie Earl's estate, could petition to pass the property to her, either via petition to determine succession or by affidavit procedure, if appropriate. <u>Note: This information is procedural only.</u> <u>The attorney may wish to consider options with reference to applicable code/authority.</u>
		40 days since DOD	
		No other proceedings	
Cont. from 020513		I&A: \$40,000.00	
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			Reviewed by: skc Reviewed on: 1-31-13, 3-4-13 Updates: Recommendation: File 2 – Earl

Atty Burnside, Leigh W (for Randy Woodrum – Petitioner – Son)

Atty Fanucchi, Edward L. (Court Appointed for Conservatee)

**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)**

Age: 87		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/ COMMENTS: Minute Order of 02/25/2013 states Mr. Fanucchi informs the Court that a tentative agreement was reached on Friday which includes the establishment of a conservatorship however, he still needs to meet with his client. If the agreement is filed by 03/08/2013 matter will be taken off calendar. Court Investigator Advised Rights on 01/14/2013. Voting Rights Affected Need Minute Order.
		RANDY WOODRUM , son, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers to administer dementia medications and for placement in a secured perimeter facility.		
		Declaration of Juan J. Touya, M.D. 01/24/2013. Voting rights affected.		
Cont. from 012813, 022513		Petitioner states: the proposed conservatee suffers from Alzheimer's/dementia, is diabetic and has high blood pressure. She has severe short term memory loss. She is incapable of taking care of herself and is currently located in a locked down facility for patients with Alzheimer's where they bathe and feed her and monitor all her medications. Because of her condition, she is frequently in a rage and refuses medication and help, and verbally and physically abuses staff and relatives who visit.		
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Report of Interview and Recommendation filed 01/22/2013 by Attorney Edward L. Fanucchi states the proposed conservatee disapproves of the petition by her son. Attorney Fanucchi states that he does not recommend confinement, dementia medication nor the proposed conservatee's voting rights be affected. Attorney Fanucchi recommends a continuance of 45-60 days.				
Court Investigator Samantha Henson's report filed 01/18/2013.				
<u>Please see additional page</u>				
Reviewed by: LV				
Reviewed on: 03/05/2013				
Updates:				
Recommendation:				
File 3 - Woodrum				

Status Report filed by Attorney Edward Fannucchi on 03/05/2013 states that he and the conservatee met on 03/05/2013 and that he recommended to the conservatee that she should consent to the permanent conservatorship by her son, and she agreed to do so.

Attorney Fanucchi called and reported this information to Attorney Leigh Burnside, and further requested the following:

- The proposed conservatee wishes to have subscription to The Fresno Bee and Los Angeles Times.
- The proposed conservatee should, if she does not already, a calendar in her room.
- Attorney Fanucchi asked the proposed conservator to check with Dr. Touya on the interaction between the mental drugs which can be used for depression, anxiety, psychosis, and other things. This was in an effort to try to understand why, as reported be the porposed conservator his mother is angry and aggressive to him and her husband. The proposed conservatee does understand that her husband is living on the same side of Orchard Park as she is, and that his condition is grave.
- Voting rights was discussed with the proposed conservatee who most certainly wishes to exercise those rights, and it would be expected that her son would keep her advised of voting times.

Attorney Fanucchi proposes that the matter be set for status in June 2013.

Atty Bagdasarian, Gary G., sole practitioner (for Guardian Marla Fujisawa)

Status Hearing Re: Filing of the Additional Bond

Age: 17 years		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Original Qualifying Bond as Guardian showing an additional bond of \$17,000.00 was filed 3/4/2013, resulting in total bond of \$50,000.00.</i></p>
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CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 3/4/13
		Updates:
		Recommendation:
		File 4 - Fujisawa

**Probate Status Hearing Re: Failure to File Inventory & Appraisal; Failure to File a
First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]**

DOD: 07/22/02		<p>THOMAS MORENO, son, was appointed Administrator with limited IAEA authority on 12/11/07. Letters were issued on 01/29/08.</p> <p>Notice of Status Hearing filed 01/28/13 set this matter for a status hearing regarding filing of the Inventory & Appraisal and filing of the First Account and/or Petition for Distribution.</p> <p>Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to attorney Val J. Dornay on 01/28/13.</p> <p>Inventory & Appraisal filed 02/04/13 - \$80,000.00 (real property)</p> <p>Status Report filed 02/20/13 states: at the time the decedent died, one of the intestate heirs, Frank Moreno, was incarcerated. He has since been released and has been residing in the real property asset of the estate. The other two intestate heirs, Administrator Thomas Moreno and Steven Moreno, agreed to allow Frank to reside in the residence with the agreement that he would obtain financing and purchase the interests of Steven and Thomas and provide the estate with the funds necessary to pay the creditor's claim and administrative expenses. This has not happened and it will now be necessary to list the property for sale. Because the Administrator has limited IAEA authority, once a buyer has been located, it will be necessary to Petition the court for approval of the sale. Additional time will be needed in order to complete the sale process.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF
Reviewed on: 03/04/13
Updates:
Recommendation:
File 5 - Moreno

Age: 69		RUBY JONES , sister, was appointed conservator of the person and estate on 3/25/2008.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 020113		The Conservator's First Account covering the period of 3-25-08 through 3-31-09 was settled on 7-1-09. Per the Court's order, \$135,000.00 was to be placed into a blocked account.	<u>OFF CALENDAR</u>
Aff.Sub.Wit.			
Verified		Per Receipt filed 9-4-09, \$102,629.38 was placed in a blocked account and the balance as of 9-1-09 was \$102,634.38.	Petition filed 3-5-13 is set for hearing on 4-11-13.
Inventory			
PTC		On 10-1-12, I'isha Cooley, daughter, filed a petition to remove Ruby Jones and to be appointed as Successor Conservator.	
Not.Cred.			
Notice of Hrg		At hearing on 12-14-12, pursuant to agreement of the parties, the minute order reflects that the petition was dismissed.	
Aff.Mail			
Aff.Pub.		However, also at the hearing on 12-14-12, the Court set this hearing regarding the status of the next account.	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 3-4-13
			Updates: 3-6-13
			Recommendation:
			File 6 - Cooley

Probate Status Hearing Re: Filing of Proof of Increased Bond

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 03/04/13	
		Updates:	
		Recommendation:	
		File 7 - Adona	

Atty O'Neill, Patricia B., sole practitioner (for Co-Conservators Kenneth Chacon and Sandra Bowman)

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee
[Prob. C. 1860, et seq.]

DOD: 10/12/2012		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Petition for Termination of Conservatorship was filed 2/26/2013 and is set for hearing on 3/28/2013.</i></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed on: 3/4/13
		Updates:
		Recommendation:
		File 8 - Chacon

DOD: 07/17/12		KATHRYN LOPEZ , daughter, was appointed Administrator with limited IAEA authority and bond set at \$150,000.00 on 10/03/12. Letters were issued on 10/26/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Minute Order from hearing on 10/03/12 set this matter for status regarding filing of the Inventory & Appraisal.	1. Need Final Inventory & Appraisal.
Aff.Sub.Wit.			
Verified		Inventory & Appraisal, partial #1 filed 03/05/13 - \$138,225.00	
Inventory	x		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: JF

Reviewed on: 03/04/13

Updates: 03/05/13

Recommendation:

File 9 - Lopez

Atty Hemb, Richard E., of Hemb Law Office (for Administrator Karen K. Williams)

Status Hearing Re: Proof of the Blocked Account; Filing of Amended Petition
Re: Limited Powers

DOD: 6/22/2012		<p>KAREN K. WILLIAMS, daughter, was appointed Administrator with Full IAEA with Bond fixed at \$170,000.00 on 9/24/2012.</p> <p>Background:</p> <ul style="list-style-type: none"> Minute Order dated 9/24/2012 from the hearing on the appointment set a status hearing on 10/26/2012 for filing of the bond. Minute Order dated 10/26/2012 from the continued status hearing states Counsel advises the Court that the personal representative has been declined bond. The Court continues the matter to 11/16/2012. Counsel is directed to file an amended petition with limited powers and a blocked account. Clerk's Certificate of Mailing filed 11/19/2012 shows a copy of the Minute Order dated 11/16/2012 was mailed to Attorney Richard Hemb on 11/19/2012. Minute Order dated 11/16/12 from the last status hearing for filing of the bond states: No appearances. Matter continued to 12/7/2012. If the bond is not filed by 12/7/2012, Richard Hemb is ordered to be personally present on that date. Clerk's Certificate of Mailing filed 12/11/2012 shows the Minute Order dated 12/7/2012 and OSC was mailed to Karen Williams at her address in Reseda, CA, on 12/11/2012. Minute Order dated 12/7/2012 states Mr. Hemb informs the Court that he has lost contact with his client, Ms. Williams. Order to show cause is ordered for Ms. Williams. Ms. Williams is ordered to personally appear at the next hearing on 1/18/2013. Mr. Hemb may file a withdrawal of attorney and it can be heard on 1/18/2013. Order filed 12/11/2012 orders Karen Williams to appear on 1/18/2013 to show cause why she should not be sanctioned for failure to appear. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p>Amended Petition for Letters of Administration, etc. was filed 3/1/2013, and is set for hearing on 4/10/2013.</p> <p>Continued from 1/18/2013. Minute Order states Karen Williams informs the Court that the funds have not been placed in a blocked account. The following contact information belonging to Delphia Williams is provided to the Court as a means of contacting Karen Williams [omitted]. Matter continued to 3/8/2013.</p> <p>The following issue remains:</p> <ol style="list-style-type: none"> Need amended petition for letters of administration requesting limited powers and authorizing all funds be placed into a blocked account, as directed by Court on 10/26/2012.
Cont. from 102612, 111612, 120712, 010813			
Aff.Sub.Wit.			
Verified			
Inventory			
Proof of Blockd Acct	X		
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 3/4/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Williams</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 08/25/12		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Final Inventory & Appraisal filed 01/24/13</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF Reviewed on: 03/04/13 Updates: Recommendation: File 11 – De La Mora

12

Pro Per Lee, Blia (Pro Per Guardian of the Estate)

Status Hearing Re: Filing of the Inventory and Appraisal

Age: 17 years		<p>BLIA LEE, mother, was appointed Guardian of the Estate on 10/10/2012, for the purpose of receiving assets on behalf of the minor, who is the beneficiary of his deceased father's life insurance policy valued at \$25,000.00.</p> <p>Minute Order dated 10/10/2012 from the hearing on the appointment ordered the money to be placed in a blocked account, and set this status hearing on 2/8/2013 for filing of the inventory and appraisal.</p> <p>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 11/19/2012 shows an account balance of \$25,106.07.</p> <p><i>Final Inventory and Appraisal</i> filed 1/23/2013 shows an estate value of \$0.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/8/2013. Minute Order states: No appearances. The Court notes for the minute order that the inventory and appraisal are incomplete pursuant to Probate Code § 2610.</p> <p>The following issue remains:</p> <ol style="list-style-type: none"> <i>Final Inventory and Appraisal</i> filed on 1/23/2013 is incomplete, as no assets are stated on <i>Attachment 1</i> or <i>Attachment 2</i> of the appraisal form, and Item 1 on Page 1 of the form indicates an estate value of zero. Need corrected <i>Final Inventory and Appraisal</i> including a completed <i>Attachment 1</i> pursuant to Probate Code § 2610. <p>Note: Clerk's Certificate of Mailing shows a copy of the Minute Order dated 2/8/2013 was mailed to Blia Lee on 2/15/2013.</p>
Cont. from 020813			
Aff.Sub.Wit.			
Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 3/4/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Vang</p>	

Atty Dowling, Michael D.; Matlak, Steven M., of Dowling Aaron Inc. (for Co-Administrators Jeffrey D. Hall and Stephen G. Hall)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 6/6/2012		<p>JEFFREY DAVID HALL and STEPHEN GREGORY HALL, sons, were appointed as Co-Administrators with Full IAEA without bond on 10/12/2012, and <i>Letters</i> issued on that date.</p> <p>Minute Order dated 10/11/2012 from the hearing on the appointment of administrator set this matter on 3/8/2013 for filing of the inventory and appraisal.</p> <p>Status Report filed 2/28/2013 by the Attorneys for the Co-Administrators states:</p> <ul style="list-style-type: none"> On 2/21/2013, their office provided inventories for appraisal of real property owned by Decedent in Fresno, Kern and Los Angeles Counties to the probate referee appointed in this matter [Steven Deibert]; They are currently awaiting receipt of those appraisals from the probate referee; The Co-Administrators in this matter have kept their office informed that they are working on locating and gathering additional information concerning other assets owned by the Decedent; their office continues to press the Co-Administrators to provide them with this information. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	Status Rep.		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCC/JEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LEG
Reviewed on: 3/4/13
Updates:
Recommendation:
File 14 - Hall

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 04/11/09		<p>RUBY LOUISE MILLER, was appointed Administrator with full IAEA authority and without bond on 11/13/12. Letters have not issued.</p> <p>Minute Order from 11/13/12 states: The Court finds that notice has been given to the other heirs. The Petitioner is directed to complete the supplemental Duties & Liabilities. The petition is approved. The status hearings remain as previously set.</p> <p>Minute Order dated 10/11/12 set this matter for status.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Confidential Supplement to Duties & Liabilities (form DE-147S). Need Letters (form DE-150). The Inventory & Appraisal will be due 4 months after Letters are issued.
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory	x		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	x		
Duties/Supp	x		
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/04/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Wimbley</p>	